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In re Application of  
POPPE et al  
Application No.: 10/595,519  
PCT No.: PCT/EP2004/052920  
Int. Filing Date: 08 November 2004  
Priority Date: 17 November 2003  
Attorney Docket No.: PAT-01156  
For: OLIGOMERS . . . USE THEREOF

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DECISION

This decision is in response to applicants' submission filed in the USPTO on 03 April 2009, which has properly been treated as a petition under 37 CFR 1.182.

**BACKGROUND**

On 08 November 2004, applicants filed international application PCT/EP2004/052920 which designated the United States and claimed a priority date of 17 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 02 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 May 2006.

On 25 April 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and an Application Data Sheet (ADS).

On 06 October 2008, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 12 January 2009, applicants filed a declaration of inventors along with a petition/fee for a two-month extension of time.

On 28 January 2009, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that there was a difference in names of the last inventor between the published international application (Dunja MIKOLAJETZ) and the declaration of inventors filed 12 January 2009 (Dunja KOPPEN).

On 03 April 2009, applicants filed the instant submission which was accompanied by, *inter alia*, a petition/fee for a four month extension of time. The submission has properly been treated as a petition under 37 CFR 1.182.

### **DISCUSSION**

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

As to item (1), the petition fee of \$400 has been charged to Deposit Account 23-3425.

With regard to item (2), the submission appears to include a copy of the court order but it is not clear whether the order has been certified. Also, no translation of the court order has been provided.

### **CONCLUSION**

For the reasons set forth above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. A proper response could include a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected. Extensions of time may be obtained under 37 CFR 1.136(a).

**Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.**

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office

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of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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